

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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BRYAN KITT,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 17-1483V

Special Master Christian J. Moran

Filed: April 7, 2021

Stipulation; influenza (“flu”) vaccine;  
brachial neuritis; spinal accessory  
neuropathy; shoulder injury related to  
vaccine administration (“SIRVA”).

Edward Kraus, Law Offices of Chicago Kent, Chicago, IL, for Petitioner;  
Claudia Gangi, United States Dep’t of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION**<sup>1</sup>

On April 6, 2021, the parties filed a joint stipulation concerning the petition for compensation filed by Bryan Kitt on October 10, 2017. Petitioner alleged that the influenza (“flu”) vaccine he received on or about October 30, 2014, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. § 100.3(a), caused him to suffer brachial neuritis and spinal accessory neuropathy, and/or in the alternative, he sustained a Shoulder Injury Related to Vaccine Administration (“SIRVA”). Petitioner further alleges that he suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on his behalf as a result of his condition.

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<sup>1</sup> The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Respondent denies that petitioner sustained a SIRVA Table injury, and denies the vaccines either caused petitioner's alleged injury or any other injury, and denies that his current condition is a sequelae of a vaccine-related injury.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

**A lump sum payment of \$25,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.